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Paper No.

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ATLANTA GA 30339-5994

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Application of	:	
Moore	:	
Application No. 10/642,309	:	DECISION ON THIRD RENEWED
Filed: August 18, 2003	:	PETITION PURSUANT TO
Attorney Docket No. 60707-1330	:	37 C.F.R. § 1.47(B)
Title: OPERATING SYSTEM FOR	:	
EXECUTING COMPUTER SOFTWARE	:	
APPLICATIONS	:	

This is in response to the third renewed petition pursuant to 37 C.F.R. § 1.47(b), filed February 8, 2011.

This third renewed petition pursuant to 37 C.F.R. § 1.47(b) is **GRANTED**.

Receipt is acknowledged of the concurrently-submitted one-month extension of time so as to make timely this submission.

On August 18, 2003 this application was filed with an unexecuted declaration, identifying Mark Justin Moore as the sole inventor. On August 18, 2004, an executed declaration was submitted, along with the surcharge associated with the late submission of the same. In a final Office action mailed on December 12, 2007, a non-final Office action mailed on July 2, 2008, and a final Office action mailed on January 21, 2009, the Examiner objected to the declaration.

A grantable petition under 37 C.F.R. § 1.47(b) requires:

- (1) the petition fee as set forth in 37 C.F.R. § 1.17(g);
- (2) the surcharge as set forth in 37 C.F.R. § 1.16(e),

- if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventor;
 - (4) proof that either:
 - (a) a copy of the application was sent or given to the non-signing inventor for review and proof that the non-signing inventor refused to sign, or;
 - (b) proof that diligent efforts have been made to locate the non-signing inventor
 - (5) proof that the Rule 1.47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
 - (6) proof of irreparable damage, and;
 - (7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. § 1.63.

An original petition pursuant to 37 C.F.R. § 1.47(b) was filed on November 23, 2009, and was dismissed via the mailing of a decision on January 29, 2010, which indicated that requirements (1) - (3) of Rule 1.47(b) had been satisfied, and requirements (4) - (7) had not been satisfied.

A renewed petition pursuant to 37 C.F.R. § 1.47(b) was filed on April 29, 2010 along with, *inter alia*, a one-month extension of time so as to make timely the response. The renewed petition was dismissed via the mailing of a decision on June 14, 2010, which indicated that as of the mailing date of the decision, requirements (1) - (3) and (5) - (7) had been satisfied. The decision indicated that the fourth requirement had not been satisfied.

A second renewed petition pursuant to 37 C.F.R. § 1.47(b) was filed October 14, 2010, along with, *inter alia*, a two-month extension of time so as to make timely the response. The second renewed petition was dismissed via the mailing of a decision on November 22, 2010, which indicated that the fourth requirement of Rule 1.47(b) had not been satisfied.

With this third renewed petition, Petitioner has satisfied the fourth requirement of Rule 1.47(b).

Consequently, each of the requirements of 37 C.F.R. § 1.47(b) has been met.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. § 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventor at the address that appears on the declaration that was submitted on April 29, 2010. Notice of the filing of this application will also be published in the Official Gazette.

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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UNITED KINGDOM

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Application of :
Moore :
Application No. 10/642,309 : LETTER
Filed: August 18, 2003 :
Attorney Docket No. 60707- :
1330 :
Title: OPERATING SYSTEM FOR :
EXECUTING COMPUTER SOFTWARE :
APPLICATIONS :

Dear Mr. Moore:

You are named as the sole inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, the Assignee of record below would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3225. Requests

for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/Paul Shanoski/
Paul Shanoski
Senior Attorney
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cc: THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
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